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¹ Will be displayed when assigned by OMB.

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AUTHORITY: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 176.100

SOURCE: CGD 85-080, 61 FR 953, Jan. 10, 1996, unless otherwise noted.

Subpart A—Certificate of Inspection

§ 176.100 When required.

(a) A vessel to which this subchapter applies may not be operated without having on board a valid U.S. Coast Guard Certificate of Inspection.

(b) Except as noted in § 176.114 of this part, each vessel inspected and certificated under the provisions of this subchapter must, when any passengers are aboard during the tenure of the certificate, be in full compliance with the terms of the certificate.

(c) If necessary to prevent delay of the vessel, a temporary Certificate of Inspection may be issued pending the issuance and delivery of the regular Certificate of Inspection. The temporary certificate must be carried in the same manner as the regular certificate and is considered the same as the regular Certificate of Inspection that it represents.

(d) A vessel on a foreign voyage between a port in the United States and a port in a foreign country, whose Certificate of Inspection expires during the voyage, may lawfully complete the voyage without a valid Certificate of Inspection provided the voyage is completed within 30 days of expiration and the certificate did not expire within 15 days of sailing on the foreign voyage from a U.S. port.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

§ 176.103 Description.

The Certificate of Inspection issued to a vessel describes the vessel, the route(s) that it may travel, the minimum manning requirements, the survival and rescue craft carried, the minimum fire extinguishing equipment and lifejackets required to be carried, the maximum number of passengers and total persons that may be carried, the number of passengers the vessel may carry in overnight accommodation spaces, the name of the owner and managing operator, any equivalencies accepted or authorized by the Commandant or any Officer in Charge, Marine Inspection (OCMI) in accordance

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with §§ 175.540 or 175.550 of this chapter, and such other conditions of operations as may be determined by the cognizant OCMI.

§ 176.105 How to obtain or renew.

(a) A Certificate of Inspection is obtained or renewed by making application on Form CG 3752, "Application for Inspection of U.S. Vessel," to the Coast Guard OCMI of the marine inspection zone in which the inspection is to be made. Form CG-3752 may be obtained at any U.S. Coast Guard Marine Safety Office or Marine Inspection Office.

(b) The application for initial inspection of a vessel being newly constructed or converted must be submitted prior to the start of the construction or conversion.

(c) The construction, arrangement, and equipment of each vessel must be acceptable to the cognizant OCMI as a prerequisite of the issuance of the initial Certificate of Inspection. Acceptance is based on the information, specifications, drawings and calculations available to the OCMI, and on the successful completion of an initial inspection for certification.

(d) A Certificate of Inspection is renewed by the issuance of a new Certification of Inspection.

(e) The condition of the vessel and its equipment must be acceptable to the cognizant OCMI as a prerequisite to the Certificate of Inspection renewal. Acceptance is based on the condition of the vessel as found at the periodic inspection for certification.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

§ 176.107 Period of validity.

(a) A Certificate of Inspection is issued for a period of three years.

(b) A Certificate of Inspection may be suspended and withdrawn or revoked by the cognizant OCMI at any time for noncompliance with the requirements of this subchapter.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

§ 176.110 Routes permitted.

(a) The area of operation for each vessel and any necessary operational limits are determined by the cognizant

OCMI, and recorded on the vessel's Certificate of Inspection. Each area of operation, referred to as a route, is described on the Certificate of Inspection under the major headings "Oceans," "Coastwise," "Limited Coastwise," "Great Lakes," "Lakes, Bays, and Sounds," or "Rivers," as applicable. Further limitations imposed or extensions granted are described by reference to bodies of waters, geographical points, distance from geographical points, distances from land, depths of channel, seasonal limitations, and similar factors.

(b) Operation of a vessel on a route of lesser severity than those specifically described or designated on the Certificate of Inspection is permitted unless expressly prohibited on the Certificate of Inspection. The general order of severity of routes is: oceans, coastwise, limited coastwise, Great Lakes, lakes, bays, and sounds, and rivers. The cognizant OCMI may prohibit a vessel from operating on a route of lesser severity than the primary route a vessel is authorized to operate on if local conditions necessitate such a restriction.

(c) Non-self-propelled vessels are prohibited from operating on an oceans, coastwise, limited coastwise, or Great Lakes route unless the Commandant approves such a route.

(d) When designating a permitted route or imposing any operational limits on a vessel, the OCMI may consider:

(1) Requirements of this subchapter for which compliance is based on the route of the vessel;

(2) The performance capabilities of the vessel based on design, scantlings, stability, subdivision, propulsion, speed, operating modes, maneuverability, and other characteristics; and

(3) The suitability of the vessel for nighttime operations and use in all weather conditions.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

§ 176.112 Total persons permitted.

The cognizant OCMI determines the total number of persons permitted to be carried on a vessel. In determining the total number of persons permitted to be carried, the OCMI may consider stability restrictions and subdivision requirements of the vessel, the vessel's

route, general arrangement, means of escape, lifesaving equipment, the minimum manning requirements, and the maximum number of passengers permitted in accordance with § 176.113.

§ 176.113 Passengers permitted.

(a) The maximum number of passengers permitted must be not more than that allowed by the requirements of this section, except as authorized by the OCMI under paragraph (d) of this section.

(b) The maximum number of passengers permitted on any vessel may be the greatest number permitted by the length of rail criterion, deck area criterion, or fixed seating criterion described in this paragraph or a combination of these criteria as allowed by paragraph (c) of this section.

(1) *Length of rail criterion.* One passenger may be permitted for each 760 millimeters (30 inches) of rail space available to the passengers at the periphery of each deck. The following rail space may not be used in determining the maximum number of passengers permitted:

(i) Rail space in congested areas unsafe for passengers, such as near anchor handling equipment or line handling gear, in the way of sail booms, running rigging, or paddle wheels, or along pulpits;

(ii) Rail space on stairways; and

(iii) Rail space where persons standing in the space would block the vision of the licensed individual operating the vessel.

(2) *Deck area criterion.* One passenger may be permitted for each 0.9 square meters (10 square feet) of deck area available for the passengers' use. In computing such deck area, the areas occupied by the following must be excluded:

(i) Areas for which the number of persons permitted is determined using the fixed seating criteria;

(ii) Obstructions, including stairway and elevator enclosures, elevated stages, bars, and cashier stands, but not including slot machines, tables, or other room furnishings;

(iii) Toilets and washrooms;

(iv) Spaces occupied by and necessary for handling lifesaving equipment, anchor handling equipment or line handling gear, or in the way of sail booms or running rigging;

(v) Spaces below deck that are unsuitable for passengers or that would not normally be used by passengers;

(vi) Interior passageways less than 840 millimeters (34 inches) wide and passageways on open deck, less than 710 millimeters (28 inches) wide;

(vii) Bow pulpits, swimming platforms and areas that do not have a solid deck, such as netting on multi-hull vessels;

(viii) Deck areas in way of paddle wheels; and

(ix) Aisle area provided in accordance with § 177.820(d) in this subchapter.

(3) *Fixed seating criterion.* One passenger may be permitted for each 455 millimeter (18 inches) of width of fixed seating provided by § 177.820 of this subchapter. Each sleeping berth in overnight accommodation spaces shall be counted as only one seat.

(c) Different passenger capacity criteria may be used on each deck of a vessel and added together to determine the total passenger capacity of that vessel. Where seats are provided on part of a deck and not on another, the number of passengers permitted on a vessel may be the sum of the number permitted by the seating criterion for the space having seats and the number permitted by the deck area criterion for the space having no seats. The length of rail criterion may not be combined with either the deck area criterion or the fixed seating criterion when determining the maximum number of passengers permitted on an individual deck.

(d) For a vessel operating on short runs on protected waters such as a ferry, the cognizant OCMI may give special consideration to increases in passenger allowances.

§ 176.114 Alternative requirements for a vessel operating as other than a small passenger vessel.

(a) When authorized by the cognizant OCMI by an endorsement of the vessel's Certificate of Inspection, a small passenger vessel carrying six or less passengers, or operating as a commercial

fishing vessel or other uninspected vessel, or carrying less than twelve passengers and operating as a recreational vessel, need not meet requirements of:

(1) Subparts C, D, and E, of part 180 of this chapter if the vessel is in satisfactory compliance with the lifesaving equipment regulations for an uninspected vessel or recreational vessel in a similar service;

(2) Subpart C of part 177, and parts 178 and 179 of this chapter if the vessel is in satisfactory compliance with applicable regulations for an uninspected vessel or recreational vessel in a similar service or if the owner of the vessel otherwise establishes to the satisfaction of the cognizant OCMI that the vessel is seaworthy for the intended service; and

(3) Sections 184.404 and 184.410 of this chapter providing the vessel is in satisfactory compliance with applicable regulations for an uninspected or recreational vessel in a similar service.

(b) A vessel operating under the alternative regulations of paragraph (a) of this section must:

(1) Not alter the arrangement of the vessel nor remove any equipment required by the certificate for the intended operation, without the consent of the cognizant OCMI;

(2) Comply with the minimum manning specified on the Certificate of Inspection, which may include reduced manning depending on the number of passengers and operation of the vessel;

(3) When carrying from one to six passengers, except for a vessel being operated as a recreational vessel, make the announcement required by § 185.506(a) of this chapter before getting underway; and

(4) If a vessel of more than 15 gross tons, not carry freight for hire.

(c) The endorsement issued under paragraph (a) of this section must indicate the route, maximum number of passengers, and the manning required to operate under the provisions of this section.

[CGD 85-080, 61 FR 953, Jan. 10, 1996, as amended by CGD 97-057, 62 FR 51049, Sept. 30, 1997]

§ 176.120 Certificate of Inspection amendment.

(a) An amended Certificate of Inspection may be issued at any time by any OCMI. The amended Certificate of Inspection replaces the original, but the expiration date remains the same as that of the original. An amended Certificate of Inspection may be issued to authorize and record a change in the dimensions, gross tonnage, owner, managing operator, manning, persons permitted, route permitted, conditions of operations, or equipment of a vessel, from that specified in the current Certificate of Inspection.

(b) A request for an amended Certificate of Inspection must be made to the cognizant OCMI by the owner or managing operator of the vessel at any time there is a change in the character of a vessel or in its route, equipment, ownership, operation, or similar factors specified in its current Certificate of Inspection.

(c) The OCMI may require an inspection prior to the issuance of an amended Certificate of Inspection.

Subpart B—Special Permits and Certificates**§ 176.202 Permit to proceed.**

(a) When a vessel is not in compliance with its Certificate of Inspection or fails to comply with a regulation of this subchapter, the cognizant OCMI may permit the vessel to proceed to another port for repair, if in the judgment of the OCMI, the trip can be completed safely, even if the Certificate of Inspection of the vessel has expired or is about to expire.

(b) Form CG-948, "Permit to Proceed to another Port for Repairs," may be issued by the cognizant OCMI to the owner, managing operator, or the master of the vessel stating the conditions under which the vessel may proceed to another port. The permit may be issued only upon the written application of the owner, managing operator, or master, and after the vessel's Certificate of Inspection is turned over to the OCMI.

(c) A vessel may not carry passengers when operating in accordance with a

permit to proceed, unless the cognizant OCMI determines that it is safe to do so.

§ 176.204 Permit to carry excursion party.

(a) The cognizant OCMI may permit a vessel to engage in a temporary excursion operation with a greater number of persons or on a more extended route, or both, than permitted by its Certificate of Inspection when, in the opinion of the OCMI, the operation can be undertaken safely.

(b) Upon the written application of the owner or managing operator of the vessel, the cognizant OCMI may issue a Form CG-949, "Permit To Carry Excursion Party," to indicate his or her permission to carry an excursion party. The OCMI will indicate on the permit the conditions under which it is issued, the number of persons the vessel may carry, the crew required, any additional lifesaving or safety equipment required, the route for which the permit is granted, and the dates on which the permit is valid.

(c) The number of passengers normally permitted on an excursion vessel shall be governed by § 176.113.

(d) The OCMI will not normally waive the applicable minimum safety standards when issuing an excursion permit. In particular, a vessel that is being issued an excursion permit will normally be required to meet the minimum stability, survival craft, life jacket, fire safety, and manning standards applicable to a vessel in the service for which the excursion permit is requested.

(e) The permit acts as a temporary, limited duration supplement to the vessel's Certificate of Inspection and must be carried with the Certificate of Inspection. A vessel operating under a permit to carry an excursion party must be in full compliance with the terms of its Certificate of Inspection as supplemented by the permit.

(f) The OCMI may require an inspection prior to the issuance of a permit to carry an excursion party.

Subpart C—Posting of Certificates, Permits, and Stability Letters

§ 176.302 Certificates and permits.

The Certificate of Inspection and any SOLAS Certificates must be posted under glass or other suitable transparent material, such that all pages are visible, in a conspicuous place on the vessel where observation by passengers is likely. If posting is impracticable, such as in an open boat, the certificates must be kept on board in a weathertight container readily available for use by the crew and display to passengers and others on request.

[CGD 85–080, 61 FR 953, Jan. 10, 1996, as amended by CGD 97–057, 62 FR 51049, Sept. 30, 1997]

§ 176.306 Stability letter.

When, in accordance with § 178.210 of this chapter, a vessel must be provided with a stability letter, the stability letter must be posted under glass or other suitable transparent material, such that all pages are visible, at the operating station of the vessel. If posting is impracticable, the stability letter must be kept on board in a weathertight container readily available for use by the crew and display to passengers and others on request.

[CGD 85–080, 61 FR 953, Jan. 10, 1996, as amended by CGD 97–057, 62 FR 51049, Sept. 30, 1997]

§ 176.310 Certification Expiration Date Stickers.

(a) A Certification Expiration Date Sticker indicates the date upon which the vessel's Certificate of Inspection expires and is provided by the cognizant OCMI in the number required, upon issuance or renewal of the Certificate of Inspection.

(b) A vessel that is issued a Certificate of Inspection under the provisions of this subchapter must be not be operated without a valid Certification Expiration Date Sticker affixed to the vessel on a place that is:

- (1) A glass or other smooth surface from which the sticker may be removed without damage to the vessel;
- (2) Readily visible to each passenger prior to boarding the vessel and to pa-

trolling Coast Guard law enforcement personnel; and

(3) Acceptable to the Coast Guard marine inspector.

(c) The Coast Guard marine inspector may require the placement of more than one sticker in order to insure compliance with paragraph (b)(2) of this section.

[CGD 85–080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

Subpart D—Inspection for Certification

§ 176.400 General.

(a) An inspection is required before the issuance of a Certificate of Inspection. Such an inspection for certification is not made until after receipt of the application for inspection required by § 176.105.

(b) Upon receipt of a written application for inspection, the cognizant OCMI assigns a marine inspector to inspect the vessel for compliance with this subchapter at a time and place mutually agreed upon by the OCMI and the owner, managing operator, or representative thereof.

(c) The owner, managing operator, or a representative thereof shall be present during the inspection.

[CGD 85–080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.402 Initial inspection for certification.

(a) Before construction or conversion of a vessel intended for small passenger vessel service, the owner of the vessel shall submit plans, manuals, and calculations indicating the proposed arrangement, construction, and operations of the vessel, to the cognizant OCMI for approval, except when submitted to the Marine Safety Center (MSC) as allowed by part 177 of this subchapter. The plan, manuals, and calculations required to be submitted and the disposition of these plans are set forth in part 177, Subpart B of this chapter.

(b) The initial inspection is conducted to determine that the vessel and its equipment comply with applicable regulations and that the vessel

was built or converted in accordance with approved plans, manuals, and calculations. Additionally, during the inspection, the materials, workmanship, and condition of all parts of the vessel and its machinery and equipment may be checked to determine if the vessel is satisfactory in all respects for the service intended.

(c) The owner or managing operator of a vessel shall ensure that the vessel complies with the laws and regulations applicable to the vessel and that the vessel is otherwise satisfactory for the intended service. The initial inspection may include an inspection of the following items:

(1) The arrangement, installation, materials, and scantlings of the structure including the hull and superstructure, yards, masts, spars, rigging, sails, piping, main and auxiliary machinery, pressure vessels, steering apparatus, electrical installation, fire resistant construction materials, life saving appliances, fire detecting and extinguishing equipment, pollution prevention equipment, and all other equipment;

(2) Sanitary conditions and fire hazards; and

(3) Certificates and operating manuals, including certificates issued by the FCC.

(d) During an initial inspection for certification the owner or managing operator shall conduct all tests and make the vessel available for all applicable inspections discussed in this paragraph, and in Subpart H of this part, to the satisfaction of the cognizant OCMI, including the following:

(1) The installation of each rescue boat, liferaft, inflatable buoyant apparatus, and launching appliance as listed on its Certificate of Approval (Form CGHQ-10030).

(2) The operation of each rescue boat and survival craft launching appliance required by part 180 of this chapter.

(3) Machinery, fuel tanks, and pressure vessels as required by part 182 of this chapter.

(4) A stability test or a simplified stability test when required by § 170.175 of this chapter or § 178.320 of this chapter.

(5) Watertight bulkheads as required by part 179 of this chapter.

(6) Firefighting systems as required by part 181 of this chapter.

(7) The operation of all smoke and fire detecting systems, and fire alarms and sensors.

§ 176.404 Subsequent inspections for certification.

An inspection for renewal of a Certificate of Inspection normally includes inspection and testing of the structure, machinery, equipment, and on a sailing vessel, rigging and sails. The owner or managing operator shall conduct all tests as required by the marine inspector, and make the vessel available for all specific inspections and drills required by Subpart H of this part. In addition, the OCMI may require the vessel to get underway as part of the inspection for certification. The inspection is conducted to determine if the vessel is in satisfactory condition, fit for the service intended, and complies with the applicable regulations in this subchapter.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

Subpart E—Reinspection

§ 176.500 When required.

(a) The owner or managing operator shall make a vessel available for re-inspections within 60 days of each anniversary of the date of issuance of the Certificate of Inspection during each triennial inspection period. The owner or managing operator shall contact the cognizant OCMI to arrange for a reinspection to be conducted at a time and place acceptable to the OCMI.

(b) In addition to the requirements of paragraph (a) of the section, a reinspection may be made at such other times as may be required by the cognizant OCMI.

§ 176.502 Scope.

In general, the scope of the reinspection is the same as the inspection for certification but in less detail unless it is determined that a major change has occurred since the last inspection for certification.

**Subpart F—Hull and Tailshaft
Examinations**

§ 176.600 Drydock and internal structural examination intervals.

(a) The owner or managing operator shall make a vessel available for drydock examinations and internal structural examinations required by this section.

(b) A vessel making an international voyage subject to SOLAS requirements must undergo a drydock examination at least once every 12 months. If the vessel becomes due for a drydock examination or an internal structural examination during the voyage, it may lawfully complete the voyage prior to the examination if it undergoes the required examination upon completion of the voyage to the United States but not later than 30 days after the examination was due. If the vessel is due for an examination within 15 days of sailing on an international voyage from the United States port, it must undergo the required examination before sailing.

(c) Except as provided in paragraph (d) of this section, a vessel not making an international voyage must undergo a drydock examination and an internal structural examination as follows:

(1) A vessel that is exposed to salt water more than three months in any 12 month period since the last examination must undergo a drydock examination and an internal structural at least once every two years; and

(2) A vessel that is exposed to salt water not more than three months in any 12 month period since the last examination must undergo a drydock examination and an internal structural examination at least once every five years.

(d) Whenever damage or deterioration to hull plating or structural members that may affect the seaworthiness of a vessel is discovered or suspected, the cognizant OCMI may conduct an internal structural examination in any affected space including fuel tanks, and may require the vessel to be drydocked or taken out of service to assess the extent of the damage, and to effect permanent repairs. The OCMI may also decrease the drydock examination inter-

vals to monitor the vessel's structural condition.

[CGD 85-080, 61 FR 953, Jan. 10, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.610 Scope of drydock and internal structural examinations.

(a) A drydock examination conducted in compliance with § 176.600 must be conducted while the vessel is hauled out of the water or placed in a drydock or slipway. During the examination all accessible parts of the vessel's underwater body and all through hull fittings, including the hull plating and planking, appendages, propellers, shafts, bearings, rudders, sea chests, sea valves, and sea strainers shall be made available for examination. Sea chests, sea valves, and sea strainers must be opened for examination. On wooden vessels, fastenings may be required to be pulled for examination.

(b) An internal structural examination conducted in compliance with § 176.600 may be conducted while the vessel is afloat or out of the water and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating and planking, voids, and ballast, cargo, and fuel oil tanks. Where the internal framing, plating, or planking of the vessel is concealed, sections of the lining, ceiling or insulation may be removed or the parts otherwise probed or exposed so that the inspector may be satisfied as to the condition of the hull structure. Fuel oil tanks need not be cleaned out and internally examined if the marine inspector is able to determine by external examination that the general condition of the tanks is satisfactory.

§ 176.612 Notice and plans required.

(a) The owner or managing operator shall notify the cognizant OCMI as far in advance as possible whenever a vessel is to be hauled out or placed in a drydock or slipway in compliance with § 176.600 or to undergo repairs or alterations affecting the safety of the vessel, together with the nature of any repairs or alterations contemplated. Hull repairs or alterations that affect the safety of the vessel include but are not limited to the replacement, repair, or refastening of planking, plating, or

structural members including the repair of cracks.

(b) Whenever a vessel is hauled out or placed in a drydock or slipway in excess of the requirements of this subpart for the purpose of maintenance, including, but not limited to, changing a propeller, painting, or cleaning the hull, no report need be made to the cognizant OCMI.

(c) The owner or managing operator of each vessel that holds a Load Line Certificate shall make plans showing the vessel's scantlings available to the Coast Guard marine inspector whenever the vessel undergoes a drydock examination or internal structural examination or whenever repairs or alterations affecting the safety or seaworthiness of the vessel are made to the vessel's hull.

[CGD 85-080, 61 FR 953, Jan. 10, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.630 Tailshaft examinations.

(a) The marine inspector may require any part or all of the propeller shafting to be drawn for examination of the shafting and stern bearing of a vessel whenever the condition of the shafting and bearings are in question.

(b) The marine inspector may conduct a visual examination and may require nondestructive testing of the propeller shafting whenever the condition of shafting is in question.

§ 176.670 Extension of examination intervals.

The intervals between drydock examinations and internal structural examinations specified in § 176.600 of this part may be extended by the cognizant OCMI or Commandant.

Subpart G—Repairs and Alterations

§ 176.700 Permission for repairs and alterations.

(a) Repairs or alterations to the hull, machinery, or equipment that affect the safety of the vessel must not be made without the approval of the cognizant OCMI, except during an emergency. When repairs are made during an emergency, the owner, managing operator, or master shall notify the

OCMI as soon as practicable after such repairs or alternations are made. Repairs or alterations that affect the safety of the vessel include, but are not limited to: replacement, repair, or re-fastening of deck or hull planking, plating, and structural members; repair of plate or frame cracks; damage repair or replacement, other than replacement in kind, of electrical wiring, fuel lines, tanks, boilers and other pressure vessels, and steering, propulsion and power supply systems; alterations affecting stability; and repair or alteration of lifesaving, fire detecting, or fire extinguishing equipment.

(b) The owner or managing operator shall submit drawings, sketches, or written specifications describing the details of any proposed alterations to the cognizant OCMI. Proposed alterations must be approved by the OCMI before work is started.

(c) Drawings are not required to be submitted for repairs or replacements in kind.

(d) The OCMI may require an inspection and testing whenever a repair or alteration is undertaken.

§ 176.702 Installation tests and inspections.

Whenever a launching appliance, survival craft, rescue boat, fixed gas fire extinguishing system, machinery, fuel tank, or pressure vessel is installed aboard a vessel after completion of the initial inspection for certification of the vessel, as replacement equipment or as a new installation, the owner or managing operator shall conduct the tests and make the vessel ready for the inspections required by § 176.402(d) to the satisfaction of the cognizant OCMI.

§ 176.704 Breaking of safety valve seals.

The owner, managing operator, or master shall notify the cognizant OCMI as soon as practicable after the seal on a boiler safety valve on a vessel is broken.

§ 176.710 Inspection and testing prior to hot work.

(a) An inspection for flammable or combustible gases must be conducted by a certified marine chemist or other person authorized by the cognizant

OCMI in accordance with the provisions of National Fire Protection Association (NFPA) 306, "Control of Gas Hazards on Vessels," before alterations, repairs, or other operations involving riveting, welding, burning, or other fire producing actions may be made aboard a vessel:

(1) Within or on the boundaries of fuel tanks; or

(2) To pipelines, heating coils, pumps, fittings, or other appurtenances connected to fuel tanks.

(b) An inspection required by paragraph (a) of this section must be conducted as required by this paragraph.

(1) In ports or places in the United States or its territories and possessions, the inspection must be conducted by a marine chemist certificated by the NFPA. However, if the services of a certified marine chemist are not reasonably available, the cognizant OCMI, upon the recommendation of the vessel owner or managing operator, may authorize another person to inspect the vessel. If the inspection indicates that the operations can be undertaken safely, a certificate setting forth this fact in writing must be issued by the certified marine chemist or the authorized person before the work is started. The certificate must include any requirements necessary to reasonably maintain safe conditions in the spaces certified throughout the operation, including any precautions necessary to eliminate or minimize hazards that may be present from protective coatings or residues from cargoes.

(2) When not in a port or place in the United States or its territories and possessions, and when a marine chemist or a person authorized by the cognizant OCMI is not reasonably available, the master shall conduct the inspection and enter the results in the inspection in the vessel's logbook.

(c) The owner, managing operator, or master shall obtain a copy of certificates issued by the certified marine chemist or the other person authorized by the cognizant OCMI, and shall ensure that all conditions on the certificates are observed and that the vessel is maintained in a safe condition. The owner, managing operator, or master shall maintain a safe condition on the vessel by requiring full observance, by

persons under his or her control, of all requirements listed in the certificate.

Subpart H—Material Inspections

§ 176.800 Inspection standards.

(a) A vessel is inspected for compliance with the standards required by this subchapter. Machinery, equipment, materials, and arrangements not covered by standards in this subchapter may be inspected in accordance with standards acceptable to the cognizant OCMI as good marine practice.

(b) In the application of inspection standards due consideration must be given to the hazards involved in the operation permitted by a vessel's Certificate of Inspection. Thus, the standards may vary in accordance with the vessel's area of operation or any other operational restrictions or limitations.

(c) The published standards of classification societies and other recognized safety associations may be used as guides in the inspection of vessels when such standards do not conflict with the requirements of this subchapter.

§ 176.801 Notice of inspection deficiencies and requirements.

(a) If during the inspection of a vessel, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector will point out deficiencies observed and discuss all requirements with the owner, managing operator, or a representative thereof. Normally, the marine inspector will list all such requirements that have not been completed and present the list to the owner, managing operator, or a representative thereof. However, when a deficiency presents a serious safety hazard to the vessel or its passengers or crew, and exists through negligence or willful noncompliance, the marine inspector may issue a Report of Violation (ROV) to the owner, managing operator, or a representative thereof.

(b) In any case where further clarification of or reconsideration of any requirement placed against the vessel is desired, the owner, managing operator,

or a representative thereof, may discuss the matter with the cognizant OCMI.

[CGD 85-080, 61 FR 953, Jan. 10, 1996, as amended by CGD 97-057, 62 FR 51049, Sept. 30, 1997]

§ 176.802 Hull.

(a) At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspections of the hull structure and its appurtenances, including the following:

(1) Inspection of all accessible parts of the exterior and interior of the hull, the watertight bulkheads, and weather decks;

(2) Inspection and operation of all watertight closures in the hull, decks, and bulkheads including through hull fittings and sea valves;

(3) Inspection of the condition of the superstructure, masts, and similar arrangements constructed on the hull, and on a sailing vessel all spars, standing rigging, running rigging, blocks, fittings, and sails;

(4) Inspection of all railings and bulwarks and their attachment to the hull structure;

(5) Inspection to ensure that guards or rails are provided in dangerous places;

(6) Inspection and operation of all weathertight closures above the weather deck and the provisions for drainage of sea water from the exposed decks; and

(7) Inspection of all interior spaces to ensure that they are adequately ventilated and drained, and that means of escape are adequate and properly maintained.

(b) The vessel must be afloat for at least a portion of the inspection as required by the marine inspector.

(c) When required by the marine inspector, a portion of the inspection must be conducted while the vessel is underway so that the hull and internal structure can be observed.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.804 Machinery.

At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspections of machinery, fuel, and piping systems, including the following:

(a) Operation of the main propulsion machinery both ahead and astern;

(b) Operational test and inspection of engine control mechanisms including primary and alternate means of starting machinery;

(c) Inspection of all machinery essential to the routine operation of the vessel including generators and cooling systems;

(d) External inspection of fuel tanks and inspection of tank vents, piping, and pipe fittings;

(e) Inspection of all fuel system;

(f) Operational test of all valves in fuel lines by operating locally and at remote operating positions;

(g) Operational test of all overboard discharge and intake valves and watertight bulkhead pipe penetration valves;

(h) Operational test of the means provided for pumping bilges; and

(i) Test of machinery alarms including bilge high level alarms.

§ 176.806 Electrical.

At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of electrical equipment and systems, including the following:

(a) Inspection of all cable as far as practicable without undue disturbance of the cable or electrical apparatus;

(b) Test of circuit breakers by manual operation;

(c) Inspection of fuses including ensuring the ratings of fuses are suitable for the service intended;

(d) Inspection of rotating electrical machinery essential to the routine operation of the vessel;

(e) Inspection of all generators, motors, lighting fixtures and circuit interrupting devices located in spaces or areas that may contain flammable vapors;

(f) Inspection of batteries for condition and security of stowage;

(g) Operational test of electrical apparatus, which operates as part of or in conjunction with a fire detection or alarms system installed on board the vessel, by simulating, as closely as practicable, the actual operation in case of fire; and

(h) Operational test of all emergency electrical systems.

§ 176.808 Lifesaving

(a) At each initial and subsequent inspection for certification of a vessel, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of lifesaving equipment and systems, including the following:

(1) Tests of each rescue boat and each rescue boat launching appliance and survival craft launching appliance in accordance with § 185.520 of this chapter;

(2) Inspection of each lifejacket, work vest, and marine buoyant device;

(3) If used, inspection of the passenger safety orientation cards or pamphlets allowed by § 185.506(b)(2) of this chapter;

(4) Inspection of each inflatable life-raft, inflatable buoyant apparatus, and inflatable lifejacket to determine that it has been serviced as required by § 185.730 of this chapter; and

(5) Inspection of each hydrostatic release unit to determine that it is in compliance with the servicing and usage requirements of § 185.740 of this chapter.

(b) Each item of lifesaving equipment determined by the marine inspector to not be in serviceable condition must be repaired or replaced.

(c) Each item of lifesaving equipment with an expiration date on it must be replaced if the expiration date has passed.

(d) The owner or managing operator shall destroy, in the presence of the marine inspector, each lifejacket, other personal floatation device, and other lifesaving device found to be defective and incapable of repair.

(e) At each initial and subsequent inspection for certification of a vessel, the vessel must be equipped with an adult size lifejacket for each person authorized. The vessel must also be

equipped with child size lifejackets equal to at least:

(1) 10 percent of the maximum number of passengers permitted to be carried unless children are prohibited from being carried aboard the vessel; or

(2) 5 percent of the maximum number of passengers permitted to be carried if all extended size lifejackets are provided.

(f) Lifejackets, work vests, and marine buoyant devices may be marked with the date and marine inspection zone to indicate that they have been inspected and found to be in serviceable condition by a marine inspector.

(g) At each initial and subsequent inspection for certification, the marine inspector may require that an abandon ship or man overboard drill be held under simulated emergency conditions specified by the inspector.

[CGD 85–080, 61 FR 953, Jan. 10, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.810 Fire protection.

(a) At each initial and subsequent inspection for certification, the owner or managing operator shall be prepared to conduct tests and have the vessel ready for inspection of its fire protection equipment, including the following:

(1) Inspection of each hand portable fire extinguisher, semiportable fire extinguisher, and fixed gas fire extinguishing system to check for excessive corrosion and general condition;

(2) Inspection of piping, controls, and valves, and the inspection and testing of alarms and ventilation shutdowns, for each fixed gas fire extinguishing system and detecting system to determine that the system is in operating condition;

(3) Operation of the fire main system and checking of the pressure at the most remote and highest outlets;

(4) Testing of each fire hose to a test pressure equivalent to its maximum service pressure;

(5) Checking of each cylinder containing compressed gas to ensure it has been tested and marked in accordance with § 147.60 in subchapter N of this chapter;

(6) Testing or renewal of flexible connections and discharge hoses on semiportable extinguishers and fixed

gas extinguishing systems in accordance with §147.65 in subchapter N of this chapter; and

(7) Inspection and testing of all smoke and fire detection systems, including sensors and alarms.

(b) The owner, managing operator, or a qualified servicing facility as applicable shall conduct the following inspections and tests:

(1) For portable fire extinguishers, the inspections, maintenance procedures, and hydrostatic pressure tests required by Chapter 4 of NFPA 10, "Portable Fire Extinguishers," with the frequency specified by NFPA 10. In addition, carbon dioxide and Halon portable fire extinguishers must be re-filled when the net content weight loss exceeds that specified for fixed systems by Table 176.810(b). The owner or managing operator shall provide satisfactory evidence of the required servicing to the marine inspector. If any of the equipment or records have not been

properly maintained, a qualified servicing facility must be required to perform the required inspections, maintenance procedures, and hydrostatic pressure tests. A tag issued by a qualified servicing organization, and attached to each extinguisher, may be accepted as evidence that the necessary maintenance procedures have been conducted.

(2) For semiportable and fixed gas fire extinguishing systems, the inspections and tests required by Table 176.810(b), in addition to the tests required by §§147.60 and 147.65 in subchapter N of this chapter. The owner or managing operator shall provide satisfactory evidence of the required servicing to the marine inspector. If any of the equipment or records have not been properly maintained, a qualified servicing facility may be required to perform the required inspections, maintenance procedures, and hydrostatic pressure tests.

TABLE 176.810(B).—SEMI-PORTABLE AND FIXED FIRE EXTINGUISHING SYSTEMS

Type System	Test
Carbon dioxide	Weigh cylinders. Recharge if weight loss exceeds 10% of weight of charge. Test time delays, alarms, and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the system manufacturer's instruction manual. Inspect hoses and nozzles to be sure they are clean.
Halon	Weigh cylinders. Recharge if weight loss exceeds 5% of weight of charge. If the system has a pressure gauge, also recharge if pressure loss (adjusted for temperature) exceeds 10%. Test time delays, alarms and ventilation shutdowns with carbon dioxide, nitrogen, or other nonflammable gas as stated in the system manufacturer's instruction manual. Inspect hoses and nozzles to be sure they are clean.
Dry Chemical (cartridge operated)	Examine pressure cartridge and replace if end is punctured or if determined to have leaked or to be in unsuitable condition. Inspect hose and nozzle to see if they are clear. Insert charged cartridge. Ensure dry chemical is free flowing (not caked) and extinguisher contains full charge.
Dry chemical (stored pressure)	See that pressure gauge is in operating range. If not, or if the seal is broken, weigh or otherwise determined that extinguisher is fully charged with dry chemical. Recharge if pressure is low or if dry chemical is needed.
Foam (stored pressure)	See that pressure gauge, if so equipped, is in the operating range. If not, or if the seal is broken, weigh or otherwise determine that extinguisher is fully charged with foam. Recharge if pressure is low or if foam is needed. Replace premixed agent every 3 years.
Clean Agents (Halon replacements)	(To be developed)

(c) The owner, managing operator, or master shall destroy, in the presence of the marine inspector, each fire hose found to be defective and incapable of repair.

(d) At each initial and subsequent inspection for certification, the marine inspector may require that a fire drill be held under simulated emergency

conditions to be specified by the inspector.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.812 Pressure vessels and boilers.

(a) Pressure vessels must be tested and inspected in accordance with part

§ 176.814

61, subpart 61.10, of this chapter; except that, they must be inspected once every 3 years instead of at the intervals in § 61.10-5(a), (b), and (d) of this chapter.

(b) Periodic inspection and testing requirements for boilers are contained in § 61.10 in subchapter F of this chapter.

[CGD 85-080, 61 FR 953, Jan. 10, 1996, as amended at 62 FR 51356, Sept. 30, 1997]

§ 176.814 Steering systems.

At each initial and subsequent inspection for certification the owner or managing operator shall be prepared to test the steering systems of the vessel and make them available for inspection to the extent necessary to determine that they are in suitable condition and fit for the service intended. Servo-type power systems, such as orbital systems, must be tested and capable of smooth operation by a single person in the manual mode, with hydraulic pumps secured.

§ 176.816 Miscellaneous systems and equipment.

At each initial and subsequent inspection for certification the owner or managing operator shall be prepared to test and make available for inspection all items in the ship's outfit, such as ground tackle, navigation lights and equipment, markings, and placards, which are required to be carried by the regulations in this subchapter, as necessary to determine that they are fit for the service intended.

§ 176.818 Sanitary inspection.

At each inspection for certification and at every other vessel inspection, quarters, toilet and washing spaces, galleys, serving pantries, lockers, and similar spaces may be examined to determine that they are serviceable and in a sanitary condition.

§ 176.830 Unsafe practices.

(a) At each inspection for certification and at every other vessel inspection all observed unsafe practices, fire hazards, and other hazardous situations must be corrected and all required guards and protective devices must be in satisfactory condition.

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(b) At each inspection for certification and at every other vessel inspection the bilges and other spaces may be examined to see that there is no excessive accumulation of oil, trash, debris, or other matter that might create a fire hazard, clog bilge pumping systems, or block emergency escapes.

§ 176.840 Additional tests and inspections.

The cognizant OCMI may require that a vessel and its equipment undergo any additional test or inspection deemed reasonable and necessary to determine that the vessel and its equipment are suitable for the service in which they are to be employed.

Subpart I—International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS)

§ 176.900 Applicability.

(a) Except as otherwise provided in this subpart, a mechanically propelled vessel of the United States, which carries more than 12 passengers on an international voyage must be in compliance with the applicable requirements of the International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS), to which the United States Government is currently a party.

(b) SOLAS does not apply to a vessel solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian.

§ 176.910 Passenger Ship Safety Certificate.

(a) A vessel, which carries more than 12 passengers on an international voyage must have a valid SOLAS Passenger Ship Safety Certificate. The Commandant issues the original SOLAS Passenger Ship Safety Certificate after receiving notification from the cognizant OCMI that the vessel complies with the applicable SOLAS regulations. Subsequent SOLAS Passenger Ship Safety Certificates are issued by the cognizant OCMI unless any changes to the vessel or its operations have occurred which changes

the information on the certificate, in which case the Commandant will re-issue the certificate.

(b) The route specified on the Certificate of Inspection and the SOLAS Passenger Ship Safety Certificate must agree.

(c) A SOLAS Passenger Ship Safety Certificate is issued for a period of not more than 12 months.

(d) The SOLAS Passenger Ship Safety Certificate may be withdrawn, revoked, or suspended at any time when the vessel is not in compliance with applicable SOLAS requirements.

§ 176.920 Exemptions.

(a) In accordance with Chapter I (General Provisions) Regulation 4, of SOLAS, the Commandant may exempt a vessel, which is not normally engaged on an international voyage but that in exceptional circumstances is required to undertake a single international voyage from any of the requirements of the regulations of SOLAS provided that the vessel complies with safety requirements that are adequate, in the Commandant's opinion, for the voyage that is to be undertaken.

(b) In accordance with Chapter II-1 (Construction—Subdivision and Stability, Machinery and Electrical Installations) Regulation 1, Chapter II-2 (Construction—Fire Protection, Fire Detection and Fire Extinction) Regulation 1, and Chapter III (Life Saving Appliances and Arrangements) Regulation 2 of SOLAS, the Commandant may exempt a vessel that does not proceed more than 20 miles from the nearest land from any of the specific requirements of Chapters II-1, II-2, and III of SOLAS if the Commandant determines that the sheltered nature and conditions of the voyage are such as to render the application of such requirements unreasonable or unnecessary.

(c) The Commandant may exempt a vessel from requirements of the regulations of SOLAS in accordance with paragraphs (a) and (b) of this section upon a written request from the owner or managing operator submitted to the Commandant via the cognizant OCMI.

(d) When the Commandant grants an exemption to a vessel in accordance

with this section, the Commandant will issue the original SOLAS Exemption Certificate describing the exemption. Subsequent SOLAS Exemption Certificates are issued by the cognizant OCMI unless any changes to the vessel or its operations have occurred that changes the information on the SOLAS Exemption or Passenger Ship Safety Certificates, in which case the Commandant will reissue the certificate. A SOLAS Exemption Certificate is not valid for longer than the period of the SOLAS Passenger Ship Safety Certificate to which it refers.

[CGD 85-080, 61 FR 953, Jan. 10, 1996; 61 FR 20557, May 7, 1996]

§ 176.925 Safety Management Certificate.

(a) All vessels that carry more than 12 passengers on an international voyage must have a valid Safety Management Certificate and a copy of their company's valid Document of Compliance certificate on board.

(b) All such vessels must meet the applicable requirements of 33 CFR part 96.

(c) A Safety Management Certificate is issued for a period of not more than 60 months.

[CGD 95-073, 62 FR 67515, Dec. 24, 1997]

§ 176.930 Equivalents.

As outlined in Chapter I (General Provisions) Regulation 5, of SOLAS, the Commandant may accept an equivalent to a particular fitting, material, apparatus, or any particular provision required by SOLAS regulations if satisfied that such equivalent is at least as effective as that required by the regulations. An owner or managing operator of a vessel may submit a request for the acceptance of an equivalent following the procedures in § 175.540 of this chapter. The Commandant will indicate the acceptance of an equivalent on the vessel's SOLAS Passenger Ship Safety Certificate or Safety Management Certificate, as appropriate.

[CGD 95-073, 62 FR 67515, Dec. 24, 1997]